

S/N 09/852,263

Response to Office Action Dated 06/06/2006

RECEIVED
CENTRAL FAX CENTER
SEP 06 2006

REMARKS

A review of the claims indicates that:

- (A) Claims 2—4, 6, 9—11, 13, 15 and 18—22 are Original.
- (B) Claims 14 and 16 were Previously Presented.
- (C) Claims 1, 5, 8, 12 and 17 are Currently Amended.
- (D) Claim 7 was previously Cancelled.

In view of the following remarks, the Applicant respectfully requests reconsideration of the rejected claims.

Traversal of the Rejections

Claims 1, 2, 4, 8—10, 12 and 13 were rejected under §102 as being anticipated by U.S. Patent No. 6,112,010, hereinafter "Koyama."

Additionally, Claims 3, 14 and 17—22 were rejected under §103 as being unpatentable over Koyama in view of U.S. Patent No. 6,222,949, hereinafter "Nakata". In response, the Applicant respectfully traverses the rejections.

Claim 1 recites a method for selecting a printed image size comprising steps of:

- receiving an image;
- calculating a range of image sizes for printing said image based on a plurality of factors, wherein the calculating comprises:
 - determining a resolution of said received image;
 - determining a resolution of a printer printing said image; and
 - correlating said resolution of said received image and said printer; and
- selecting at least one of said image sizes in said range for printing said image, wherein the selecting chooses an image in the range having a resolution associated with the correlated resolution.

S/N 09/852,263

Response to Office Action Dated 06/06/2006

1 Claim 1 has been amended to recite the limitations of Claim 5, which is
2 now cancelled. In particular, the first three paragraphs of cancelled Claim 5 are
3 seen as indented bullet lines, above. Subject matter from the fourth paragraph of
4 Claim 5 has been added to the "wherein clause" in the final paragraph of Claim 1.
5 The final paragraph of Claim 5 would seem to be more appropriately located in the
6 "selecting" paragraph of Claim 1.

7 The Applicant submits that the elements of Claim 1, as amended, are not
8 disclosed, taught or suggested by the prior art of record. In particular, the
9 Applicant and the Patent Office appear to agree that the elements from objected-to
10 Claim 5 are not taught or suggested by the prior art of record. Accordingly,
11 elements within Claim 1 are not taught or suggested by the prior art.

12 The Patent Office has cited no reference(s), alone or in combination, that
13 discloses, teaches or suggests the elements of Claim 1, as amended to recite
14 material from Claim 5. Accordingly, the Applicant respectfully requests that
15 Claim 1 be found to be allowable.

16 Claims 2—4, 6 and 8—11 depend from Claim 1, and are allowable at least
17 by reason of this dependence. Additionally, each claim is allowable for reasons
18 associated with the elements specifically recited by that claim.

19 Claim 5 has been amended to recite the elements removed from Claim 1.
20 Accordingly, Claim 5 is essentially unchanged from its prior form. Note that
21 Claim 1 is worded somewhat differently than Claim 5 was, but the scope would
22 seem to be the same.

23 Claim 8 has been amended to recite elements previously seen in Claim 1.
24
25

S/N 09/852,263

Response to Office Action Dated 06/06/2006

Claim 12 recites a method for printing an image comprising steps of:

- receiving an image;
- calculating a range of image sizes for printing said image based on a plurality of factors wherein the calculating comprises:
 - determining a resolution of said received image;
 - determining a resolution of a printer printing said image;
 - and
 - correlating said resolution of said received image and said printer; and
- determining an aspect ratio of said image, wherein the range allows an image to be printed in any of said sizes in said range having an aspect ratio approximately equal to an aspect ratio of said received image; and
- printing said image in a size in said range.

Claim 12 has been amended to recite subject matter from Claims 1, 4 and 5. The Patent Office recognized that the subject matter of Claims 1, 4 and 5 was not disclosed, taught or suggested by the prior art of record, and so was objected-to by the Office Action mailed 06/06/2006.

Subject matter from Claim 4 is seen in the second-to-last paragraph of the Claim 12, as amended. In particular, the two paragraphs of the body of Claim 4 were combined when added to the second-to-last paragraph of Claim 12. In that combination, the second paragraph of Claim 4 became the "wherein" clause. The subject matter of Claim 5 was added to the indented bullet items below the second paragraph. The combination of Claims 1, 4 and 5 was found to include allowable subject matter by the Office Action mailed 06/06/2006. Additionally, the Applicant submits that the elements of Claim 12, as amended to substantially recite the elements of Claims 1, 4 and 5, are not disclosed, taught or suggested by the prior art of record, and that Claim 12 is in allowable condition. Accordingly, the Applicant respectfully requests that Claim 12 be found to be allowable.

S/N 09/852,263

Response to Office Action Dated 06/06/2006

1 **Claims 13—16** depend from Claim 12, and are allowable at least by reason
2 if this dependence. Additionally, each claim is allowable for reasons associated
3 with the elements specifically recited by that claim.

4 **Claim 17** recites a system operable to select an image size for printing an
5 image, said system comprising:

- 6 • at least one interface operable to receive said image;
- 7 • a processor operable to calculate a range of sizes for printing said
8 image based on a plurality of factors, wherein said plurality of
9 factors includes resolution and aspect ratio;
- 10 • wherein said processor is additionally operable for;
 - 11 • **determining a resolution of said received image;**
 - 12 • **determining a resolution of a printer printing said image;**
 - 13 • **correlating said resolution of said received image and said**
14 **printer;**
 - 15 • receiving a user-preferred image size;
 - 16 • determining whether said user-preferred image size is within said
17 range;
 - 18 • selecting said user-preferred image size for printing said image in
19 response to said user-preferred image size being within said
20 range;
 - 21 • selecting said at least one of said image sizes in said range for
22 printing said image in response to said user-preferred image size
23 falling outside of said range;
- 24 • a printer operable to print said image in a size in said range.
- 25

18 Claim 17 has been amended in a manner similar to Claims 1, and is
19 allowable for at least these reasons. Claims 1 and 12 include subject matter from
20 Claim 5, which was objected to. The Patent Office has not cited any reference
21 against Claim 5. Accordingly, Claim 17 recites elements not taught or suggested
22 by the prior art or record. In response, the Applicant submits that the elements of
23 Claim 17, as amended, are not disclosed, taught or suggested by the prior art of
24
25

S/N 09/852,263

Response to Office Action Dated 06/06/2006

1 record, and that Claim 17 is in allowable condition. Accordingly, the Applicant
2 respectfully requests that Claim 17 be found to be allowable.

3 **Claims 18—22** depend from Claim 17, and are allowable at least by reason
4 if this dependence. Additionally, each claim is allowable for reasons associated
5 with the elements specifically recited by that claim.

6
7 **Conclusion**

8 The Applicant submits that all of the claims are in condition for allowance
9 and respectfully requests that a Notice of Allowability be issued. If the Office's
10 next anticipated action is not the issuance of a Notice of Allowability, the
11 Applicant respectfully requests that the undersigned attorney be contacted for the
12 purpose of scheduling an interview.

13
14 Respectfully Submitted,

15 Dated: 06 Sept 2006

16
17 By: 

18 David S. Thompson
19 Reg. No. 37,954
20 Attorney for Applicant
21 LEE & HAYES PLLC
22 Suite 500
23 421 W. Riverside Avenue
24 Spokane, Washington 99201
25 Telephone: 509-324-9256 x235
Facsimile: (509) 323-8979